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# HOW CRIME HAS CHANGED IN A UNIVERSALLY MOBILE SOCIETY, BASED ON THE EXAMPLE OF POLAND: A RESEARCH CONCEPT

— dr Konrad Buczkowski

Institute of Law Studies, Polish Academy of Sciences, Poland

ORCID: 0000-0002-3083-0393 email: k.buczkowski@inp.pan.pl dr Paulina Wiktorska

Institute of Law Studies, Polish Academy of Sciences, Poland

ORCID: 0000-0002-0414-7355 email: wiktorska.p@gmail.com

#### ABSTRACT

We live in a time of constant change. For modern societies, the period of the last 30 years is also a time of changes connected with the reconstruction of the surrounding reality. For Poland, it is also a period of changes in the political and economic systems. Such profound changes must also be followed by changes in the structure of crime. Technological changes and the mobility of societies are changing not only the methods but also the ways in which crimes are committed. New types of crime are emerging, while 'old crimes' are changing or disappearing. The aim of this article is to outline the above issues within the context of a planned research project on the analysis of changes in crime, using the example of Poland.

#### Keywords

transformation, change, society, crime, mobile, system

A society constituted around various interpersonal relations, realized in both the «real» and the virtual spheres, is a hybrid composed of human individuals (entering into these relations) and material things (objects, and devices supporting relations). It is a dynamic and unlimited system. The development of new technologies meets the expectations and needs of society. The convergence of modern media and mobile communications fosters the permanent inclusion

of people in the global web and influences the way people see themselves as part of one community.<sup>1</sup>

The turn from the 20th to the 21st century is recognised as the beginning of the information era and a mobile society, which is determined by modern information and communication technologies exerting a fundamental impact on all aspects of social life.<sup>2</sup>

The relationship between social dynamics, in the broad sense of the term, and crime is one of the most interesting research problems for criminology. In this context, 'crime' is most often understood as a phenomenon occurring in the social reality related to the existence of norms accepted by the general public, which are violated as a result of the perpetrators' actions. As Irena Rzeplińska points out,

crime is a set of behaviours accompanying human societies «from time immemorial», constantly present and always controlled by a specific criminal law reaction. A crime is one of many social behaviours, but specific, because it is forbidden by the criminal law at the time it is committed.<sup>3</sup>

These behaviours are against the law, disclosed in official registers and included in statistics, which unfortunately eliminates a dark figure of crimes from the area of consideration.

The term 'social change' covers various social processes at the micro and macro levels.<sup>4</sup> Speaking of social change in connection with crime, we usually mean wars, revolutions, political changes, political and economic changes, industrialisation processes, demographic changes, migrations, the formation of new lifestyles, the level of fear of crime and the effectiveness of crime control.<sup>5</sup> These changes also include the ongoing processes of digitisation and technological miniaturisation, accompanied by an increase in virtual mobility.<sup>6</sup> These phenomena occur at local and global levels with varying degrees of intensity.

<sup>1</sup> AZ Wassilew, 'Technologie «podłączenia» w społeczeństwie mobilnym' [«Connectivity» Technologies in a Mobile Society] (2011) Zeszyty Naukowe Uniwersytetu Śląskiego. Studia Informatica 28(656) 467; more on this subject: J Urry, *Socjologia mobilności* [Sociology Beyond Societies: Mobilities for the Twenty-First Century] (PWN 2009).

<sup>2</sup> I Hejduk, 'Rozwój technologii cyfrowych a wykluczenie społeczne osób 65 plus' [Development of Digital Technologies and Social exclusion of people aged 65+] (2016) Zeszyty Naukowe Uczelni Vistula' 46(1) 64.

<sup>3</sup> I Rzeplińska, 'Przestępczość i jej kontrola – co wynika z dwudziestolecia RP?' [Crime and its Control – What is the Result of Twenty Years of Poland?] in P Kozłowski, H Domański (eds), Po 20 latach. Polska transformacja z perspektywy ekonomicznej, socjologicznej i prawniczej [After 20 Years. Polish Transformation from an Economic, Sociological and Legal Perspective] (Key Text, INE PAN 2010) 195.

<sup>4</sup> A Kossowska, 'Social Change and Criminality: Mutual Relationships, Determinants and Implications' in K Buczkowski et al (eds), *Criminality and Criminal Justice in Contemporary Poland. Sociopolitical Perspectives* (Ashgate 2015) 37

<sup>5</sup> Ibid 73-74.

<sup>6</sup> J Urry 49.

One of the most important reasons for the lack of consensus on the definition of crimes, and the choice of methods of their control by individual states, are the social changes, which are not homogeneous for everyone. It is clear, therefore, that they cannot fail to have an impact on the dynamics and structure of crime as well. In Poland, the development of an information society based on mobile technologies took place in parallel with the transformation process. It should be stressed that this was a so-called broad systemic transformation, i.e. the radical social and political changes that took place in the countries of central and eastern Europe after 1989. It was then that the political and economic systems were changed, social and political consciousness changed, and a different system of values was adopted, including a different legal culture. At the same time, it should be noted that the change that took place at that time was – for the course of social processes – extremely sudden: the change in the economic and political systems required rapid social changes. As Wolfgang Rau notes, for central European countries the period of transition following the fall of the Berlin Wall was associated with three types of change:

- political change, consisting of the transition from an authoritarian system to a democratic state, connected with limiting the role of the state in society;
- economic change that transformed ownership structures from state ownership to private ownership;
- social change, leading to the liquidation of the socialist 'welfare state', in which the government provided work and social security, and moving towards releasing the economic initiative of citizens, which was associated with problems resulting from these changes (primarily unemployment, including youth unemployment).<sup>7</sup>

One of the effects of rapid and sudden social change is a significant increase in crime, which also affected Poland after the collapse of the communist system in 1989. The reason for this was the weakening of the mechanisms for social control, general social disorganisation and anomie, which, according to Durkheim, results from the fact that the breakdown in old forms of social solidarity is not accompanied by the rapid formation of new ones, resulting in a moral vacuum, and the members of society are deprived of signposts and control, which, among other things, is conducive to breaking the law. Piotr Sztompka uses the concept of the 'social trauma of change' in this context. 9

In the last 30 years in Poland, the pace of the changes and their scope caused, on the one hand, the necessity of penalising new acts, due to the emergence of new areas in which society functions and the necessity of their control, and on the other hand, they forced

<sup>7</sup> See W Rau, 'Countries in Transition: Effects of Political, Social and Economic Change on Crime and Criminal Justice' (1999) Eur J Crime Cr L Cr J 7(4) 356.

<sup>8</sup> K Krajewski, 'Zmiana społeczna, kontrola społeczna, anomia, przestępczość' [Social Change, Social Control, Anomie, Crime] in K Buczkowski, W Klaus, P Wiktorska, D Woźniakowska-Fajst (eds), *Zmiana i kontrola. Społeczeństwo wobec przestępczości* [Change and Control: Society Against Crime] (Wydawnictwo Naukowe Scholar 2017) 11; also E Durkheim, *Suicide: A Study in Sociology* (Taylor and Francis 2005).

<sup>9</sup> A Kossowska 46.

a withdrawal from penalising certain behaviours, <sup>10</sup> and finally, significantly influenced the characteristics and size of certain types of crimes, as well as the necessity adopting an appropriate criminal policy towards them, understood as a scientific discipline covering the issues of a reasonable and purposeful fight against crime. <sup>11</sup>

Without questioning the importance of various methodological tools that enable us to estimate the dark number of crimes that bring us closer to knowing the real level of crime, it is worth focusing on analysing official statistics, and trying to compare them with specific areas of the transformation in Poland. An analysis of the recorded figures on the dynamics of crime in Poland over the past 30 years will help us to understand that talking in general about the increase in crime in the early 1990s is too simplistic, because it is not observable in all categories of criminal acts. The stabilisation of crime and the return of a downward trend are also not relevant for every category of crime. Our research concept is to track official statistics of the Polish Ministry of Justice in terms of the 'susceptibility' of selected crimes to the 'popularity' of their occurrence due to specific social changes.

Even a cursory review of judicial statistics allows us to determine trends in crime in recent years. Some of them are the result of the aforementioned social transformation, some are the result of demographic changes, and some are the result of the state's criminal policy which, after a period of relative liberalisation in the regulations (in the 1990s and the early 2000s, is returning to repressive tendencies (since the middle of the first decade of the 21st century).

The changes in legislation were, in a way, a reaction to an increase or decrease in recorded crime. It is worth noting, however, that the period of growth in the number of detected crimes recorded in the first years of the 21st century became a breeding ground for trends strengthening the punitive nature of criminal law and demanding a hardening of the criminal policy pursued by the state. Paradoxically, however, the changes aimed at hardening the rules mostly appeared when the level of crime in the country began to decline, especially within the group of criminal offences.

However, the downward trend in assault and robbery, robbery related offences, property crime, and crimes against life and health, has been accompanied by an increase in economic crime. In the year 2012 alone, there was nearly 10% increase in criminal incidents in this group. It seems that the increase in the number of cases falling into the rather capacious category of economic crimes may indicate the predominant trends in crime for the coming years. The development of the capital market and changes in international trade result in a significant number of crimes against the fiscal interests of the state (tax evasion, in particular indirect taxes such as VAT or excise duty).

It should be remembered that we are living in a period of widespread social mobility. This facilitates not only the free movement of individuals, but also the perpetrators

<sup>10</sup> See G Rejman, *Prawo karne. Część szczególna. Przestępstwa gospodarcze* [Criminal Law. Special Part. Economic Crimes] (UW 1980).

<sup>11</sup> B Wróblewski, Wstęp do polityki kryminalnej [Introduction to Criminal Policy], (Księgarnia Stowarzyszenia Nauczycielstwa Polskiego 1922) 3.

of crimes, which may allow for, but is not restricted to, the more efficient functioning of complex structures of organised crime. Increased mobility contributes to increased migration, and the emergence of new challenges related to social multiculturalism. A noticeable new phenomenon, hitherto not recorded on such a large scale in Europe or Poland so far, is crime committed by foreigners, among whom there are also political or economic migrants. Statistics on crime committed by foreigners in Poland have been maintained since 1984. 12 It is worth mentioning that the structure of crime committed by foreigners differs from the general structure of crime registered in our country. In particular, it is characterised by a low level of crimes against persons and a high percentage of crimes against the reliability of documents, which results from the fact that foreigners crossing the Polish border use forged documents. Another feature characteristic for foreigners is the crime of smuggling, registered both at border crossings and at the so-called green border. A separate crime committed by foreigners in the 1990s was crossing the state border contrary to the provisions of the criminal code a dramatic increase that occurred in 1992 was related to a large migration wave of Romanian citizens. According to surveys, foreigners in Poland most frequently commit crimes against the credibility of documents, followed by crimes against public order, security in communications, economic trade and property.13

New technologies that allow people to move away from personal contacts are also conducive to changes in the picture of crime. The widespread access to content on the internet, the ease with which information can be exchanged and retrieved, as well as the resulting technological changes (such as the widespread use of smartphones), mean that we need to look again at the image of crime and identify areas that may be criminogenic factors. As Yvonne Jewkes notes, the internet is a world of entertainment, spectacle, narcissism and all sorts of performances and, in terms of enjoyment, a perfect place to commit spectacular crimes.<sup>14</sup>

Therefore, an important trend to follow will be those categories of crimes which have become possible thanks to the existence of this medium: hacking computers and computer networks, dissemination of viruses, violations of privacy through the publication of photographs or content offensive to people, thefts and violations of intellectual property, and finally economic crime of a new type – related, by way of example only, to the theft of funds from bank accounts, credit cards or payment cards. The internet facilitates cross-border criminal activities through facilitating the transfer of funds between countries and allowing contact between members of criminal groups.

<sup>12</sup> I Rzeplińska, 'Zapobieganie przestępczości cudzoziemców w Polsce' [Preventing the Perpetration of Criminal Offences by Foreign Nationals Residing in Poland] (2016) Archiwum Kryminologii 38, 7 <a href="https://doi.org/10.7420/AK2016A">https://doi.org/10.7420/AK2016A</a>>.

<sup>13</sup> More broadly M Rychlik, P Wiktorska, 'Polityka karna wobec cudzoziemców przebywających w Polsce' [Penal Policy Towards Freigners Staying in Poland] (2016) Archiwum Kryminologii 38, 61–91 <a href="https://doi.org/10.7420/AK2016D">https://doi.org/10.7420/AK2016D</a>>.

<sup>14</sup> Y Jewkes, Media i przestępczość [Media and Crime] (WUJ 2010) 31.

As a result of the development of the new medium, crimes that have been known to criminal law for a long time are also undergoing a transformation, but the internet has also caused a significant modification of their modus operandi. This applies in particular to the dissemination of pornographic content (including child pornography), insults, defamation, threats, as well as various forms of internet harassment, known as cyberstalking or cyberbullying. The internet is also a place where it is possible to commit hate crimes or terrorist activities.<sup>15</sup>

Changes in the image of crime in a period of change and political transformation often result from the dynamics of market processes. The accompanying legislative chaos connected with the period of social disorganisation made it easier for transformations in the structure of crime to take place. For some, it provided an opportunity to liberate their creativity and entrepreneurship, making them beneficiaries of the changes, for others, it was the end of their current lifestyle and certainty as to their function in the social fabric. 16 Against this background, new forms of crime appeared, which had so far not been observed to such a large extent. One of the side-effects of the bankruptcy of enterprises and growing unemployment was the occurrence of economic crime connected with extortion of social security funds. 17 This crime occurs everywhere where state budget funds are redistributed to support society, and the perpetrators of this crime may be both entrepreneurs and natural persons claiming undue benefits from the social security system or disability benefits. It is also impossible not to mention the previously unheard of forms of theft in large shopping centres. On the one hand, they may be the result of poverty in some regions of the country which, as a result of the transformation, have lost the most (e.g. the decline of mining or heavy industry), and on the other hand, they may be the result of the ease of access to, and availability of, goods which may be stolen.

The feeling of social inequality as a result of the transformations and changes in the structure of society may also affect the social consent for carrying out such crimes as: insurance crime, extortion of loans, subsidies and other forms of financing, economic corruption (especially in the area of public procurement), tax fraud.<sup>18</sup> These are all types of crime that have become characteristic of the last thirty years and are closely linked to the ongoing social changes.

<sup>15</sup> More broadly K Buczkowski, 'The Status of Criminality in Poland since 1918' in K Buczkowski et al (eds) Criminality and Criminal Justice in Contemporary Poland. Sociopolitical Perspectives (Ashgate 2015).

<sup>16</sup> See J Błachut, A Gaberle, K Krajewski, Kryminologia [Criminology] (Arche 2001) 245 et subseq.

<sup>17</sup> More broadly Z Kukuła, 'Prawo karne wobec przestępczości socjalnej' [Criminal Law in View of Social Crime] (2010) Studia Prawnoustrojowe 11; Z Kukuła, 'Zagrożenie przestępczością socjalną w obszarze ubezpieczeń społecznych' [The Threat of Social Crime in the Area of Social Insurance] (2016) Ubezpieczenia Społeczne. Teoria i Praktyka 2(129).

<sup>18</sup> See K Buczkowski, 'Wpływ zmian społecznych na kształt i dynamikę przestępczości gospodarczej – zarys problematyki' [The influence of social changes on the shape and dynamics of economic crime – outline of the problem] in K Buczkowski, W Klaus, P Wiktorska, D Woźniakowska-Fajst (eds), Zmiana i kontrola. Społeczeństwo wobec przestępczości [Change and Control: Society Against Crime] (Wydawnictwo Naukowe Scholar 2017).

Over the last 30 years, there has also been a steady increase in drug crime. In 2015, the police recorded 46,000 drug crimes, and 51,000 in 2016. Polish courts most often convict offenders of crime for possession of drugs (both in quantities for personal use and larger). This was followed by sales and marketing. Drugs are also an excellent source of income, mainly for criminal groups. They earn significant amounts of money, which is later used for other criminal activities, e.g. white collar crime. 19 In our country, as in the rest of the world, drug addiction has become the basis of the drug business. Illegal drug trafficking is a large and extremely profitable enterprise, not only domestically but also globally. The gangs and mafias that are active in this sector are earning unimaginable profits from drug sales.<sup>20</sup> In relation to drug crime, there is a prevailing thesis that regular drug use, under conditions of difficult and illegal access, forces those using drugs to engage in criminal activities, motivated by the need to obtain funds to purchase drugs. However, whether drug use leads to crime or alternatively, whether a criminal lifestyle encourages drug use remains a matter of debate.<sup>21</sup> The increase in drug-related crime and the problem of drug addiction is also a consequence of the development of mobile technologies and the changing model of society. Drug trafficking at street corners or in nightclubs has almost totally disappeared, and young users are increasingly using social media to contact dealers. Snapchat, Instagram and Facebook are not only a market where existing users can find and buy what they want, but also an advertising board for dealers who offer marijuana, cocaine and other illegal drugs for sale.

Another problem resulting from increasing social mobility is the increase in offences against safety in traffic security. These offences are characterised by the fact that they are committed in connection with land, water or air traffic. In view of the huge number of vehicles involved in land traffic, the most common crime of this sort is a car accident, the consequence of which is disruption to human health for more than seven days, whether to a passenger, driver, pedestrian or cyclist. The number of car accidents increased dramatically in the first years of the transformation, which was an obvious consequence of the increase in the number of vehicles on Polish roads, including used vehicles imported from abroad. On-going infrastructure improvements and media campaigns are slowly reversing this trend.<sup>22</sup> A separate type of crime is driving while intoxicated, which does not have to be connected with causing an accident in order for it to be a punishable act. A spectacular increase in the number of acts of this kind was observed in connection with

<sup>19</sup> A Łukaszewicz, 'Handel narkotykami – wzrost liczby przestęptsw narkotykowych' [Drug Trafficking – Increase in Drug-Related Crime] (Rzeczpospolita 6 Jul 2017) <a href="https://www.rp.pl/Prawo-karne/307059929-Handel-narkotykami---Wzrost-liczby-przestepstwnarkotykowych.html">https://www.rp.pl/Prawo-karne/307059929-Handel-narkotykami---Wzrost-liczby-przestepstwnarkotykowych.html</a> accessed 8 Dec 2019

<sup>20</sup> K Laskowska, *Nielegalny handel narkotykami w Polsce* [Illegal Drug Trafficking in Poland] (Temida2 1999) 9

<sup>21</sup> G Marshall (ed), *Słownik socjologii i nauk społecznych* [The Concise Oxford Dictionary of Sociology] (PWN 2005) 204

<sup>22 &#</sup>x27;Wypadki drogowe – raporty roczne' [Traffic Accidents – Annual Reports] (Policja) <a href="http://statystyka.policja.pl/st/ruch-drogowy/76562,Wypadki-drogowe-raporty-roczne.html">http://statystyka.policja.pl/st/ruch-drogowy/76562,Wypadki-drogowe-raporty-roczne.html</a> accessed 8 Dec 2019.

the amendment of the penal regulations penalising driving under the influence of alcohol in a vehicle other than a motor vehicle.<sup>23</sup>

It is also interesting to draw attention to the changes that have taken place over the last 30 years in the process of controlling the phenomenon of domestic violence and gradually moving away from responding to it under criminal law, including in particular article 207 of the Penal Code, which criminalises the crime of physical and mental abuse of family members or close partners. A fundamental metamorphosis has taken place in the means of controlling domestic violence, which is a social phenomenon that is very difficult for all participants: from consent and acceptance of violent behaviours towards weaker and dependent people as an organisational norm, or even determining the meaning of social life in its many dimensions, through criminal penalization, to the currently visible tendency to control violence on the basis of civil law.<sup>24</sup>

We have only highlighted selected aspects of the relationship between crime and the social changes that have occurred in Poland over the past 30 years. According to Giddens, social change is not a new phenomenon, but is instead a phenomenon that takes place in all societies at different stages of development. Now, however, it is proceeding at a completely different pace, which is the source of specific contemporary problems that cause a state of confusion in a rapidly changing reality, especially since this changeability takes place on many levels simultaneously.<sup>25</sup> In analysing some aspects of the functioning of developed societies, Jock Young said: *Crime has ceased to be something rare, unnatural, marginal or alien, it has become the daily bread of our daily lives.*<sup>26</sup>

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<sup>23</sup> Ustawa z dnia 14 kwietnia 2000 r. o zmianie ustawy – Kodeks karny [The act of 14th April, 2000, amending the Penal Code Act] [2000] JoL 48, 548.

<sup>24</sup> More broadly P Wiktorska, 'Zmiany w kontrolowaniu przemocy wobec najbliższych' [Changes in the Monitoring of Violence Against Family Members] in K Buczkowski, W Klaus, P Wiktorska, D Woźniakowska-Fajst (eds) Zmiana i kontrola. Społeczeństwo wobec przestępczości [Change and Control: Society Against Crime] (Wydawnictwo Naukowe Scholar 2017) 220.

<sup>25</sup> A Giddens, Socjologia [Sociology] (PWN 2004) 739.

<sup>26</sup> A Kossowska 82.

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